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SUBJECT: NIGERIA: KOGI BY-ELECTION SEES LITTLE IMPROVEMENT

REF: A. ABUJA 485  
[1](#)B. ABUJA 253

[1](#)1. (SBU) SUMMARY: The March 29 Kogi State gubernatorial by-election was better organized than the April 2007 general elections, but was still plagued by problems including missing voting materials, late opening of polling stations, underage voting, poorly organized voter registers, and some violence. Perhaps because of fear of violence or simple voter apathy, voter turnout appeared low (Mission and other observers estimated no more than 15%); yet the Independent National Electoral Commission (INEC) announced a turnout of more than 50%. The Kogi by-election serves as a clear reminder that to date no electoral reforms have been implemented since the highly flawed April 2007 polls. In the end, Ibrahim Idris (Peoples Democratic Party - PDP), whose April 2007 election had been annulled by the courts (ref B), was once again declared the winner by INEC. His opponent, Prince Abubakar Audu (All Nigeria Peoples Party - ANPP), who also had the backing of the Action Congress, immediately declared that he would once again contest the results in the courts. END SUMMARY.

[1](#)2. (U) Emboffs observed the March 29 gubernatorial by-election in Kogi State, visiting five Local Government Areas (LGAs), and observing 30 functioning polling stations. Approximately another 30 we observed never opened or received voting materials. The polling units that did open could be characterized as generally well-organized with a process that appeared uniform. At each functioning station, we also observed sufficient amounts of materials, serialized ballots, a voter register, the marking of thumbs, thumb-printing of ballots, and a tally sheet for recording results. Despite the improved order at polling stations, we also observed many problems, including underage voters, non-alphabetized and incomplete voter registers without photos, and individuals voting without proof of registration. When queried, INEC officials at units in Okene and Adavi LGAs said they had turned away as many as 200 voters due to lack of proof of registration. Although, there were privacy screens set up to give the illusion of secrecy, police officers hovered over voters at several polling stations, making sure they were "doing it right."

[1](#)3. (U) Universally, turnout was low, particularly in the Okene and Adavi LGAs, where it was less than 10%. In many stations, only 20-30 people had voted by 1400hrs and in some places there was no one in line to vote after that time. One

compilation center we observed in Adavi had 20 boxes lined up by 1330hrs. In the polls observed in the eastern portion of the state, turnout appeared slightly higher at 15 percent. In the Eastern District, we observed lines of about 50-100 people still voting at 1600hrs due to late opening of the polls. At one station with over 1,000 voters registered, they said they would remain open until everyone had voted. By the end of the day, we did not observe any station that had more than 200 votes cast, yet INEC's results suggest that there was 54 percent voter turnout.

14. (U) A majority of the polling stations we observed opened late (some as late as noon) due to problems with the distribution of materials and late arrival of INEC officials.

INEC representatives said that they were being bused to their stations, so in many cases it took a long time to travel to all the polling stations. Additionally, numerous polling stations never received voting materials or saw an INEC official arrive. Nine of eleven wards, consisting of 22 polling stations, in the Okene LGA never received materials. (NOTE: Senator Otaru Ohize, representing the Kogi Central District, ultimately announced the cancellation of the elections in Okene as a result of alleged violence. END NOTE.) Several wards in Ajaokuta and Dekina also did not receive materials and in Anyigba LGA, we were unable to find any polling stations or signs of people attempting to queue. Bystanders we questioned said that there had been no sign of polling all day.

15. (U) Although there were media reports of violence in Okene, we did not witness any incidents at any of the stations visited. A domestic observer, partnered with the U.S. National Democratic Institute (NDI), however, said that

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he witnessed violence in Okene when a man tried to move a ballot box. The crowd chased the man, creating chaos that led the Police to fire their guns and use tear gas to disperse the crowd. At the first polling station we visited in the Ojono ward of the Lokoja LGA, we encountered ANPP supporters attempting to take the ballot box to another location alleging fears that the PDP stronghold in the area would "steal the election again." As the crowd argued and grew angrier, we departed the area.

16. (U) Despite the low turnout observed, INEC announced that 54% of the 1,365,641 registered voters cast ballots during the by-election. INEC credited Idris with 74% of the votes and Audu with 25%. Audu only won in two LGAs, while Idris won in 18 and one LGA (Okene) was canceled all together. Other parties, such as the Democratic Peoples Party (DPP), Peoples Progressive Alliance (PPA), All Progressive Grand Alliance (APGA), and the Progressive Action Congress (PAC), each received between 500 and 1500 votes total accounting for only 1% of the voters according to INEC. After the results were announced, Audu announced that he would be returning to the election tribunal, alleging illegal thumb-printing and changing of results affected the outcome.

17. (SBU) COMMENT: Although there were noticeable improvements in the overall organization of the Kogi by-election, in many ways much remained the same as in April 2007. Despite our observations of a 10-15% turnout (at those polling stations that even opened), INEC's announced results reflect 54% of the registered voters in the state, suggesting an inflation in numbers at some point in the compilation process. It was difficult to determine if the low turnout was due to apathy, fear, or both; but the discrepancy between the observed turnout and that announced by INEC was quite clear and underscores the fact that to date no reforms have been carried out since the flawed April 2007 elections. Audu again announced his intentions to contest the results in court. Idris' reinstatement as governor also raises the question of his term's length and whether the clock for his tenure now starts over. If this sets a precedent, Nigeria could begin to experience staggered elections in future

(heretofore, state and federal elections have been conducted across the country on two consecutive Saturdays). It is unclear what impact this might have on electoral reform. END COMMENT.  
SANDERS